

REMARKS

Applicants thank the Examiner for pointing out the informalities on page 17, and have amended the specification accordingly to make the page like the corresponding page of the parent application.

Applicants respectfully note that the Examiner has not initialed reference BI.

Claims 139-164 constitute the pending claims in the application presently being examined. Claims 139-164 are cancelled by this Response. New claims 165-187 have been added by this Response.

New claims have been added to the application. The subject matter of some of the claims were cancelled to conform with the Applicants' election in response to the Restriction Requirement (35 U.S.C. §§ 120-121) in the parent application. Applicants expressly reserve the right to prosecute in the instant application claims covering such cancelled subject matter. No new matter has been added. Support for these new claims may be found throughout this Application, including the claims, as originally filed. Support for medical articles (such as implants and tissue assist devices), as well as methods that may be used for preparing medical articles such as casting a matrix or powdering a matrix, may be found, for example, at page 5, paragraph 2; pages 34-36 section 5.2.5.; pages 48-49 section 5.3.4.; pages 80-81 section 5.6.1.; page 86; pages 88-89, and original claims 122-131.

The amendments to the pending claims and cancellation of certain of the originally filed claims should in no way be construed to be an acquiescence to any of the rejections presented in the Office Action. The amendments to the claims are being made solely to expedite the prosecution of this Application and clarify the claimed subject matter. Applicants reserve the option to further prosecute the same or similar claims in the instant or subsequent patent application.

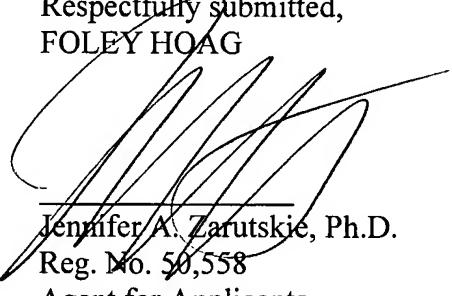
Rejection of claims under 35 U.S.C. § 112, first paragraph

The Examiner rejected claims 139-164 as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Applicants have cancelled claims 139-164, and added new claims 165-187, which are drawn to different subject matter. Hence Applicants have rendered the enablement rejection moot.

CONCLUSION

Applicants consider the Response herein to be fully responsive to the referenced Office Action. Based on the above Remarks and Amendment, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance of the pending claims is requested. If a telephone conversation with Applicants' Agent would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 832-1000.

Respectfully submitted,
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